



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

SEP 19 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-084

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Mr. Kris Stowell
Co-Owner
DiatomaceousEarth.com
3467 East 480 North
Lewisville, Idaho 83431

Re: Stop Sale, Use, or Removal Order (SSURO) for Unregistered Pesticides:
"Diatomaceous Earth Food Grade" and "Perma-Guard Crawling Insect Control"
(EPA Reg. No. 73729-1-67197).
Docket No. FIFRA 10-2014-0174

Dear Mr. Stowell:

This letter provides you notice that the U.S. Environmental Protection Agency, Region 10 (EPA) has issued a Stop Sale, Use, or Removal Order (Order) under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Order formally prohibits the sale or distribution of the pesticides "Diatomaceous Earth Food Grade" and "Perma-Guard Crawling Insect Control" (EPA Reg. No. 73729-1-67197) under the conditions specified in the Order. The Order pertains to all quantities of these products under your control, ownership, or custody, and is effective immediately upon receipt of this letter.

EPA has determined that "Diatomaceous Earth Food Grade" is an unregistered pesticide because the DiatomaceousEarth.com website, at <http://www.diatomaceousearth.com>, which is referenced on the product label, contains directions to use the product as a pesticide but the product is not registered with EPA. Therefore, any sale, offering for sale or distribution of "Diatomaceous Earth Food Grade" for pesticidal purposes is a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A).

EPA has also determined that the DiatomaceousEarth.com website is advertising and offering for sale "Perma-Guard Crawling Insect Control" (EPA Reg. No. 73729-1-67197) for uses which are substantially different from the uses for which it was registered. For example, the website indicates the pesticide may be applied directly to dog's skin or to fruit trees. These uses are substantially different from the uses for which it was registered. Therefore, any sale, offering for sale or distribution of "Perma-Guard Crawling Insect Control" (EPA Reg. No. 73729-1-67197) is a violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B). This Section makes it unlawful for any person to

distribute or sell a registered pesticide if claims made for it as part of its distribution or sale substantially differ from the claims made for it as part of the statements required in connection with its registration.

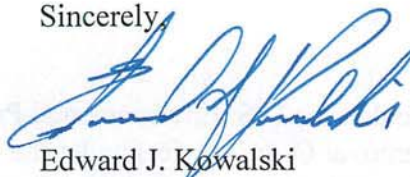
As outlined in the Order, you may not sell or distribute "Diatomaceous Earth Food Grade" or "Perma-Guard Crawling Insect Control" as currently produced, labeled, and advertised. Any violation of the Order may result in the imposition of civil or criminal penalties up to \$7,500 per sale, as prescribed by Section 14 of FIFRA, 7 U.S.C. § 136l. The Order does not preclude EPA from pursuing other enforcement actions related to this or any other case.

Within 30 days of receipt of this letter, please provide a written response, including a description of the steps your company will take to come into compliance with FIFRA and the conditions outlined in the Order. Please send the written response to Mr. Gianpaolo Boccato at the following address:

Gianpaolo Boccato
U.S. EPA Region 10
Pesticides and Toxics Unit, OCE-084
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

We are available to work with you to further explain the FIFRA requirements as they apply to your website and products. If you have any questions about this letter or the requirements of FIFRA, please contact Mr. Boccato by telephone at (206) 553-1193 or by email at boccato.gianpaolo@epa.gov.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc w/enc: Mr. Bob Spencer
Idaho State Department of Agriculture



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

SEP 19 2014

OFFICE OF
COMPLIANCE AND ENFORCEMENT

STOP SALE, USE, OR REMOVAL ORDER

DOCKET No. FIFRA 10-2014-0174

Attention: Kris Stowell, Co-Owner
DiatomaceousEarth.com
3467 East 480 North
Lewistown, Idaho 83431

By the authority of Section 13(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136k(a), and the delegation of such authority, the U.S. Environmental Protection Agency (EPA) hereby orders DiatomaceousEarth.com not to offer for sale, sell, or distribute the products "Diatomaceous Earth Food Grade" or "Perma-Guard Crawling Insect Control" (EPA Reg. No. 73729-1-67197) except as provided below.

Under Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), it is unlawful to sell, or distribute a pesticide which is not registered as a pesticide with EPA. "Diatomaceous Earth Food Grade" is considered a pesticide because of the pesticidal claims made by DiatomaceousEarth.com regarding the product. The pesticidal claims include, but are not necessarily limited to, the following statements found on the DiatomaceousEarth.com company website: <http://www.diatomaceousearth.com/faqs/>

Is diatomaceous earth feed grade the same as food grade?

....Food grade, on the other hand, is safe to use around humans. It works as a pest control for inside the home and in the garden, while still being safe for humans to consume....

Can ingested diatomaceous earth kill external parasites on animals?

No. If an animal ingests diatomaceous earth, it will not affect any surface parasites. The best way to treat your pets with fleas, parasites, or other bug problems is to apply DE directly to the animal's fur. When it comes into contact with the animal's fur and skin, it can attach to the bugs, which then causes them to dehydrate and die. You can also sprinkle DE on the animal's bedding and other areas where infestations may occur.

What is diatomaceous earth used for?

DE can be used for a variety of things in a variety of ways. Here is a list of just some of the ways this versatile product can be used:

- - A safe and natural pesticide in the house or garden

Can I use diatomaceous earth on my hen?

Yes. It's definitely safe to use on your chickens. Diatomaceous earth can be effective for treating hen lice or mites. Some farmers have also reported that feeding DE to your chickens can clean their digestive system of internal parasites. To apply DE to your chicken, you might want to use a flour duster or similar applicator. Make sure to work it under the wings and on its bottom.

Is diatomaceous earth effective on ants?

Yes. Diatomaceous earth works well to kill an assortment of bugs. Ants are susceptible to DE and will quickly be affected by its dehydrating properties. It also works to prevent future infestations. If you apply DE in areas where ants may build a home, it will create a barrier to ward off ants and other bugs.

Does diatomaceous earth work on mites?

Yes, diatomaceous earth is a powerful way to remove mites. It can be tricky to break the life cycle of a mite or lice. Once you disrupt the egg and life cycle, it will be easier to manage mite and lice infestations. DE can be used throughout the treatment process.

Is diatomaceous earth safe to put on cats and dogs for flea control?

Yes. As long as it's food grade DE, it's completely safe to use on your pets. DE is a powerful and organic way to rid your pets from fleas. Since it's a powdery, loose substance, it can be tricky to treat a fidgety animal. However, with the right duster, you can apply it directly to the cat or dog's fur. For more information and tips for applying DE to your cats and dogs, see our [article...](#)


These types of claims are repeated throughout the DiatomaceousEarth.com website. The link to purchase the unregistered "Diatomaceous Earth Food Grade" in various size bags accompanies these claims.

"Diatomaceous Earth Food Grade" is not properly registered with the EPA and therefore cannot be offered for sale, sold or distributed in the United States for use as a pesticide. Therefore, any sale, offering for sale, or distribution of "Diatomaceous Earth Food Grade" for pesticidal purposes is a violation of Section 12(a)(1)(A) of FIFRA, 7 U.S.C. § 136j(a)(1)(A), and may subject you to civil penalties of up to \$7,500 per sale or shipment.

EPA has also determined that the DiatomaceousEarth.com website is advertising and offering for sale "Perma-Guard Crawling Insect Control" (EPA Reg. No. 73729-1-67197) for uses which are substantially different from the uses for which it was registered. For example, the website indicates the pesticide may be applied directly to dog's skin or to fruit trees. These uses are substantially different from the uses for which it was registered. Therefore, any sale, offering for sale or distribution of "Perma-Guard Crawling Insect Control" is a violation of Section 12(a)(1)(B) of FIFRA, 7 U.S.C. § 136j(a)(1)(B), and may subject you to civil penalties of up to \$7,500 per violation. This Section makes it unlawful for any person to distribute or sell a registered pesticide if claims made for it as part of its distribution or sale substantially differ from the claims made for it as part of the statements required in connection with its registration.

Any person violating the terms or provisions of this Order shall be subject to penalties prescribed by Section 14 of FIFRA, 7 U.S.C. § 136l. DiatomaceousEarth.com may seek judicial review of this Order pursuant to Section 16 of FIFRA, 7. U.S.C. § 136n. This Order does not preclude the EPA from pursuing other enforcement actions related to this or any other case.

This Order is effective immediately upon receipt.



Edward J. Kowalski
Director